

REMARKS

Restriction Requirement

In the July 11, 2006 Office Action, the Examiner restricted pending claims 1-79 to one of the following allegedly distinct inventions under 35 U.S.C. §121 as follows:

- I. Claims 1-25 and 44, drawn to a method of covalently joining a DNA strand to an RNA strand and a DNA-RNA molecule, classified in class 702, subclass 19;
- II. Claims 26-43, drawn to a method of tagging a 5' end of a DNA-RNA molecule, classified in class 702, subclass 19; and
- III. Claims 45-79, drawn to a method of obtaining full-length gene sequences, classified in class 702, subclass 19.

In response, applicants hereby elect Group III, i.e., claims 45-79, with traverse for prosecution at this time. Applicants further note that claims 45-79 encompass the elected invention.

Applicants, however, respectfully request that the Examiner reconsider and withdraw the restriction requirement.

Under M.P.E.P. §803, the Examiner must examine the application on the merits if examination can be made without serious burden, even if the application would include claims to distinct or independent inventions. That is, there are two

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criteria for a proper requirement for restriction: (1) the invention must be independent and distinct, and (2) there must be a serious burden on the Examiner if restriction were not required.

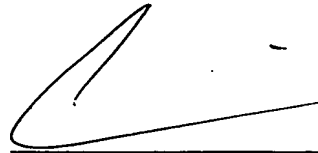
Applicants respectfully submit that there would not be a serious burden on the Examiner if restriction were not required, because a search of the prior art relevant to the claims of Group III would provide the relevant prior art for Groups I and II. Since there is no burden on the Examiner to examine Groups I-III together in the same application, the Examiner must examine the entire application on the merits.

In view of the foregoing, applicants maintain that restriction is not proper under 35 U.S.C. §121, and respectfully request that the Examiner reconsider and withdraw the requirement for restriction.

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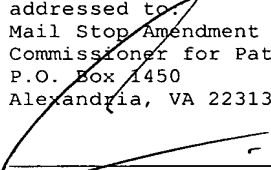
No fee, other than the \$60.00 fee for a one-month extension of time, is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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8/25/06
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